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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,701	08/08/2006	Takahiro Maruyama	0038-0496PUS1	2436
2292 7590 10/09/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER MOK, ALEX W	
			ART UNIT	PAPER NUMBER
			2834	
			NOTIFICATION DATE	DELIVERY MODE
			10/09/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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Office Action Summary

Application No.

10/588,701

Applicant(s)

MARUYAMA ET AL.

Examiner

Alex W. Mok

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 5-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/8/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, claims 1-4 in the reply filed on August 27, 2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Since the limitations in groups II and III are not in group I, this would require an additional search for these limitations and therefore would put a burden on the examiner.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "49" has been used to designate both insulators and projections. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because of the following informalities: reference numeral 49 has been used to refer to both the insulator and the projections in the specification.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katakura et al. (US Patent No.: 5241229), and further in view of Schulte et al. (US Patent No.: 4118644).

For claim 1, Katakura et al. disclose a motor comprising a stator core enclosing a space and being constituted by coils (reference numerals 18, 19, see figure 1), which are respectively wound on stator teeth; and a motor shaft (reference numeral 14) being provided in the space, equipped with a rotor magnet (reference numeral 17) and rotatably held by a motor case (reference numerals 11, 12), wherein one end surface in the axial direction of said stator is butted against an inner wall surface of said motor case (see figure 1). Katakura et al. do not disclose the stator being urged toward one end surface side and fixed in the motor case by fitting a lid.

Schulte et al. disclose an electrical machine having a stator (reference numeral 1, figure 3) fixed to the motor case (reference numeral 20) by fitting a lid (reference numeral 19) over the motor case.

It would have been obvious to fit the lid over the motor case to fix the stator on an axial end surface side, since Schulte et al. use this similar technique for an electrical machine, i.e. motor, and a person of ordinary skill in the art would have been able to incorporate this configuration in Katakura et al. for the purpose of efficiently assembling the device and reducing its size.

For claim 4, the invention of Katakura et al. is a brushless motor attached to the case (see figures 1, 2).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katakura et al. and Schulte et al. as applied to claim 1 above, and further in view of Cazal et al. (US Patent No.: 5629575).

For claim 2, the inventions of Katakura et al. and Schulte et al. teach the claimed invention except for the elastic member between the stator and the lid. Cazal et al. teach a similar technique in which elastic members (reference numeral 62, figures 2, 3) are positioned between the end of the stator and a lid-like portion (reference numerals 66, 54). It would have been obvious to have this type of configuration in the references of Katakura et al. and Schulte et al., since Cazal et al. disclose an equivalent means for the elastic member for an electrical machine, and a person skilled in the art would have

been able to include this technique for the purpose of absorbing the vibrations and reducing the noise.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katakura et al. and Schulte et al. as applied to claim 1 above, and further in view of Miller et al. (US Patent No.: 6069423).

For claim 3, it would have been obvious to fit the lid on the motor case by snap-fitting, since this technique is already well known in the art, as exhibited by Miller et al. (see column 3, lines 1-6), and a person of skilled in the art would have easily been able to apply this technique for the purpose of easily attaching the motor in the case and efficiently assembling the device.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex W. Mok whose telephone number is (571) 272-9084. The examiner can normally be reached on 7:30-5:00 Eastern Time, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (571) 272-2044. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alex W. Mok
Examiner
Art Unit 2834

AM


DARREN SCHUBERG
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